

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11300 of 2019

U.Saravanakumar

... Petitioner/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.
Crime No.22 of 2019

... Respondent/Complainant

For Petitioner : M/s.S.Balaji,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 22 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The memo dated 13.08.2019 filed by the petitioner is hereby recorded and the Registry shall carry out the necessary amendment.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498(A), 406 and 506(ii) of IPC and Section 4 of TNWH Act, in Crime No.22 of 2019, seeks anticipatory bail.

3. Heard both sides.

4.The learned counsel appearing for the petitioner has submitted that on 18.06.2019, the defacto complainant after breaking open the lock of the house of the petitioner entered into the house

<https://hcservices.ecourts.gov.in/hcservices/>

and taken away 18 and half sovereigns of jewels and also assaulted the petitioner's mother and with regard to the same he lodged a complaint on 20.06.2019 before the Alanganallur Police Station and the same has been registered in C.S.R.No.216 of 2019 and the said complaint is still pending. He further submitted that since the defacto complainant has frequently entered into quarrel with the petitioner and his mother and also taken away the jewels, the petitioner has filed H.M.O.P.No.108 of 2019 seeking divorce on the file of the 3rd Additional Sub Court, Madurai, and only after receipt of notice in the said H.M.O.P, the defacto complainant has lodged the present complaint before the respondent police with false allegation. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and therefore, he prayed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that in respect of the complaint given by the petitioner before the Alanganallur police station, both the parties were enquired and the petitioner has reiterated the allegation made in his complaint whereas the defacto complainant has denied the allegation made in the complaint and she has stated that she has not taken any jewels and hence, the said complaint still pending. She further submitted that the petitioner has caused cruelty to the defacto complainant by demanding dowry and therefore, she strongly opposed this petition.

6.Taking into consideration of the fact that already the petitioner has lodged a complaint before the respondent police and the same is still pending and also the fact that the petitioner filed H.M.O.P.No.108 of 2019 seeking divorce and only after receipt of notice in the said H.M.O.P, the defacto complainant has lodged the present complaint, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court-4, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv)the petitioner shall not abscond either during investigation or trial.

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.4, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SAMAYANALLUR, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.BALAJI Advocate SR.No.13855

ORDER
IN

CRL OP(MD) No.11300 of 2019
Date :21/08/2019

MS/VR/SAR-3/28.08.2019/3P.6C